

IDAPA 33 - REAL ESTATE COMMISSION

33.01.01 - RULES OF THE IDAHO REAL ESTATE COMMISSION

DOCKET NO. 33-0101-0701 (FEE RULE)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2007.

AUTHORITY: In compliance with Sections 67-5221 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 54-2007, Section 54-2027(6), Idaho Code, as amended by S 1109.

PUBLIC HEARING: Public hearing concerning this rulemaking will be held as follows:

**Thursday, July 26, 2007
10:00 a.m.
The Idaho Real Estate Commission
633 North Fourth Street
Boise, Idaho 83702**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of the supporting reasons for adopting a temporary rule:

Effective July 1, 2007, and as a result of Senate Bill 1109, the incidental fees established in Section 54-2020, Idaho Code, will become "fee caps" with the exact amount of each fee established by the Commission as an administrative rule. This rule establishes the fees at the same rate as currently established in the statute. However, the Commission will now have the authority to lower – but not raise above the fee cap – these fees in the future.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1) 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This rule change is necessary to comply with deadlines in amendments to governing law, specifically, SB 1109, which changed the statutory fee amounts to fee caps, requiring that the exact fee amount be established in rule. The law becomes effective July 1, 2007. Failure to establish the exact fee amounts in rule through the adoption of this temporary rule would prevent the commission from collecting these fees until the rule is adopted and approved as a final rule during the 2008 legislative session. It would also disrupt the current process used for fee collection and cause delays in processing licenses which could impede or prevent licensees from conducting business.

FEE SUMMARY: The statutory changes have set the fee cap for each fee and require that the exact fees amounts be established in rule. This rulemaking simply establishes those fees in the rule.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary rule, contact Jeanne Jackson-Heim, (208) 334-3285.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 25, 2007.

DATED this 29th day of June, 2007.

Jeanne Jackson-Heim
Executive Director
Agency: Idaho Real Estate Commission
Physical Address: 633 N. Fourth St., Boise, ID 83702
PO Box 83720, Boise, ID 83720
(208) 334-3285; (208) 334-2050 (fax)

THE FOLLOWING IS THE TEXT OF DOCKET NO. 33-0101-0701

101. LATE LICENSE RENEWAL FEES.

When a license renewal application is submitted after the license period has elapsed, there shall be, in addition to the fees for renewing the license, a late fee in the amount of twenty-five dollars (\$25). (7-1-07)T

102. FEE TO PRINT LICENSE CERTIFICATE.

The fee for having the commission print a license certificate shall be fifteen dollars (\$15) for each certificate. (7-1-07)T

103. FEE TO COMPILE EDUCATION OR LICENSE HISTORY.

The fee for having the commission compile and certify a licensee's education history or license history shall be ten dollars (\$10) for each compilation. (7-1-07)T

104. FEE FOR BRANCH OFFICE LICENSE.

The fee for an initial or renewing license for each branch office shall be fifty dollars (\$50) per license period. (7-1-07)T

1045. -- 116. (RESERVED).